

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIO VALDEZ JR.,

Plaintiff

V.

CITY OF LAS VEGAS JAIL MEDICAL,

Defendants

Case No. 2:17-cv-01926-JAD-VCF

Order Dismissing Case

11 Pro se plaintiff and former inmate Mario Valdez, Jr. brings this civil-rights complaint
12 under 42 U.S.C. § 1983. On June 27, 2018, this court denied Valdez’s application to proceed *in*
13 *forma pauperis* for prisoners as moot because he was no longer incarcerated.¹ The Court ordered
14 Valdez to file a fully complete application to proceed *in forma pauperis* for non-prisoners or pay
15 the full filing fee of \$400 by July 27, 2018. It also ordered him to file an updated address by that
16 deadline. He failed to do any of this or otherwise respond to the court’s order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A court may dismiss an action with prejudice based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.³ In determining whether to dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with

¹ ECF No. 3 at 2.

² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

³ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 local rules, the court must consider several factors: (1) the public's interest in expeditious
2 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
3 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
4 availability of less drastic alternatives.⁴

5 I find that the first two factors—the public's interest in expeditiously resolving the
6 litigation and the court's interest in managing the docket—weigh in favor of dismissing this case.
7 The risk-of-prejudice factor also weighs in favor of dismissal because a presumption of injury
8 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
9 prosecuting an action.⁵ The fourth factor is greatly outweighed by the factors in favor of
10 dismissal, and a court's warning to a party that his failure to obey the court's order will result in
11 dismissal satisfies the consideration-of-alternatives requirement.⁶ Valdez was warned that his
12 case would be dismissed without prejudice if he failed to update his address by the court's
13 deadline.⁷ So, he had adequate warning that his failure to pay the fee or submit a completed
14 application would result in this case's dismissal.

15 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
16 prejudice based on Valdez's failure to file an updated address in compliance with this Court's
17 June 27, 2018, order;

18 The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS
19 CASE.

20 Dated: September 10, 2018

21 _____
22 U.S. District Judge Jennifer A. Dorsey
23
24

25 _____
26 ⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
Ferdik, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

27 ⁵ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

28 ⁶ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

⁷ ECF No. 3 (order).